

SB-338

Sidney Public Schools

SENATE JUDICIARY

EXHIBIT NO. 3

DATE 2/10/09

REL NO. SB338

DOUGLAS W. SULLIVAN
Superintendent

NICOLE BEYER
District Clerk

LEIGH MERRITT
Personnel Payroll Clerk

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February 9, 2009

To: Senate Judiciary Committee

SB 338

From: Douglas W. Sullivan, Superintendent of Schools

D. Sullivan
2-9-09

Re: Achievement in Montana (AIM) System

Senator Perry and members of the committee I am Douglas Sullivan, Superintendent of Schools in Sidney, Montana and I am present today to support this bill and also provide information for consideration by the committee. I am particularly encouraged by the comment on page two that, "It is the policy of the State of Montana to recognize that it is fundamental to an individual's constitutional right of privacy to have the right to control dissemination of information about one's self."

We are all aware that protecting our privacy is becoming more difficult each year and, unfortunately, I must inform the committee that where the privacy of student educational records is concerned, the legislature is too late. The Office of Public Instruction currently requires all school districts, through the Achievement in Montana System, also called AIM, to submit into a state controlled, managed and mandated data base in Helena, personally identifiable educational data on the children of our state. In some cases the data collection begins to be established on children as young as three years old. I am present today on behalf of the Board of Trustees of the Sidney Public Schools and myself to express our extreme dissatisfaction with the intrusion of the AIM System into the privacy rights of the children of Sidney, Montana and to request assistance from the legislature in getting this data base modified to protect the privacy rights of Montana's children. I have communicated this dissatisfaction to OPI staff and Superintendent Juneau but it does not appear there is any room for compromise at this time. (LETTER)

While it is true the Office of Public Instruction needs to have data available to complete federal reports and respond to inquiries from the legislature, there is no need for the State of Montana to have the student name along with the student data. The responsibilities of OPI can be accomplished without establishing a huge data base that is personally identifiable and controlled by the State of Montana. Further, if a parent chooses to exercise parental control over the dissemination of his/her child's educational information and wants to prevent the local school district from submitting personally identifiable information into the AIM System, this can only be accomplished if the parent is willing to jeopardize funding for their local school district. Now the AIM System is not only intruding into the privacy rights of our students but usurping parental rights through a process of governmental blackmail. In a State where our legislature unanimously opposed the Read ID Program it is unconscionable that one of our own state agencies would be establishing a data base like this on the children of Montana. Particularly a data base that is personally identifiable, eliminates the privacy rights of all children enrolled in the public schools and prevents parents from exercising control over the data of their children.

I have proposed solutions to OPI but there is always an excuse for why it will not work. First, we have spent too much money on the system to change now. No matter what the cost, the privacy of our students should not be sacrificed because it may cost a few dollars more. Next we were told that the data base requires a student name to be submitted. I may not be the smartest individual in the world but I do know a smoke screen when I hear one. This is a computer software program, it will do what we tell it to do and accept the data it is told to accept.

Unfortunately, it appears the only recourse left is for the legislature or governor to tell OPI to stop. Somebody needs to tell OPI that the privacy of our children will be protected from this type of governmental intrusion at all costs and along with the rights of parents to control this information, will not be sacrificed so easily. I am asking the legislature to help with this privacy issue and perhaps provide some direction about how to proceed. Given the strength of the statement about privacy rights and control over one's own information contained in this piece of legislation I thought this committee would be a logical place to begin. Thank-you for allowing me to provide this information today.